IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.22322 of 2004

Between:

M/s. City Granite, rep by its Proprietor Md. Moulana S/o Khasim Saheb,
r/o H. No. 7-3-102/3, Dwarakhanagar, Khammam District

..... PETITIONER

AND

1 The Government of Andhra Pradesh rep by its Secretary, Mines and

Geology, Secretariat, Hyderabad
2 The Director of Mines and Geology, Burgula Ramakrishna Rao

Buildings, Tank Bund, Hyderabad.
3 The Asst. Director of Mines and Geology, Miryalaguda, Nalgonda.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 3rd respondent in issuing Lr. No. 511/Q2/1997 dt 8-11-2004 in demanding the Mineral Revenue dues as illegal, arbitrary and against the principles of natural justice and consequently direct the Respondents not to recover the amounts from the petitioner.

Counsel for the Petitioner: MR.Y.ASHOK RAJ

Counsel for the Respondents: GP FOR MINES AND GEOLOGY

The Court, at the stage of admission, made the following:

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ORDER:

Questioning the order in Letter No.511/Q2/1997, dated 08.11.2004 of the 3rd respondent-Assistant Director of Mines and Geology demanding the petitioner to pay the mineral revenue dues, the present writ petition is filed.

Heard the learned counsel for the petitioner and learned Government Pleader for Mines and Geology.

Though several contentions were raised in the writ petition, at the time of hearing the arguments learned counsel for the petitioner submitted that the petitioner has preferred an appeal, under Rule 35 (A) of A.P. Mines and Mineral Concessions Rules seeking instalments and requested for disposal of the writ petition granting permission to pay the revenue dues in instalments.

Admittedly, against the orders of the 3rd respondent the petitioner has preferred an appeal and the same is pending. The Government is competent to take a decision in the matter, whether to grant instalments to the petitioner or not. This Court cannot grant such a relief of permitting the petitioner to pay the revenue dues in instalments.

Since the appeal filed by the petitioner is said to be pending before the Minister for Mines and Geology, I deem it appropriate to dispose of the writ petition with a direction to respondents to dispose of the said appeal expeditiously.

With the above observation, the writ petition is disposed of at the stage of admission. No costs.

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(N.V. RAMANA, J)

Date: 03.12.2004

Nsr/Tvk

To

1 The Secretary, Mines and Geology, Government of Andhra Pradesh

Secretariat, Hyderabad

2 The Director of Mines and Geology, Burgula Ramakrishna Rao

Buildings, Tank Bund, Hyderabad.

3 The Asst. Director of Mines and Geology, Miryalaguda, Nalgonda

District.

4 Two CCs to GP for Mines and Geology, High Court of AP, Hyderabad

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5 Two CD copies.